

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/2/2023

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 BRANDIN SANTIAGO,

Petitioner,

-v-

D. UHLER, SUPERINTENDENT,

Respondent.
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18-cv-2849 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On December 7, 2022, Magistrate Judge Figueredo issued a Report and Recommendation recommending that the Court deny Petitioner’s Petition for a writ of habeas corpus. Dkt. No. 38. Magistrate Judge Figueredo advised the parties that they had fourteen (14) days to file written objections to the Report and Recommendation. On December 8, 2022, the Report and Recommendation was mailed to Petitioner at his recorded address. On December 15, 2022, Respondent filed a Response to the Report and Recommendation agreeing with Magistrate Judge Figueredo’s conclusion that the petition should be denied and otherwise including no objections. Dkt. No. 39. Petitioner has not filed objections to the Report and Recommendation, and his time to do so has now expired.

In reviewing a Magistrate Judge’s report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties are given the opportunity to raise timely objections to the report and recommendation within fourteen (14) days. *Id.* The Court reviews any portion of the report subject to an objection *de novo*; however, in the absence of any

objection, the Court reviews the report and recommendation only for clear error. Fed. R. Civ. P. 72(b) Advisory Committee Notes; *Colvin v. Berryhill*, 734 F. App'x 756, 758 (2d Cir. 2018).

The Court has reviewed the record and the Report and Recommendation for clear error and, finding none, hereby ORDERS that the Report and Recommendation is ADOPTED in its entirety and DENIES the petition for a writ of habeas corpus. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c)(2).

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: January 2, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge